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### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### Status of Claims

Claims 1-3,5-30 and 32 are pending in the application.

Claims 1, 5-7, 9, 10, 13, 15, 19, 20, 22, 24, 28 and 32 have been amended.

Claims 8, 12, 14, 16-18, 21, 23 and 25-27 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file divisional and/or continuation patent applications.

Applicant respectfully asserts that the amendments to the add no new matter.

### CLAIM REJECTIONS

#### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1,4,6,7,9,11,13,16,17,25,26,28 and 31 under 35 U.S.C. § 103(a), as being unpatentable over Greenstein et al (US6131016) in view of Dabak et al (US20040071118). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of Greenstein et al in view of Dabak et al. does not meet the requirements of an obvious rejection in that neither teaches nor suggests a MIMO system to provide different coding

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modes (e.g., diversity mode and multiplexing mode) to different symbols and/or sub-carriers of different data streams based on the channel state information which related to the coded symbol.

Specifically, with regard to independent amended claims 1 and 28, Applicant respectfully submits that neither Greenstein et al nor Dabak et al alone or in combination disclose or suggest "...coding an orthogonal frequency division multiplexing sub-carrier of first and second sub-carriers symbols data streams either in a diversity mode or in a multiplexing mode according to a received channel state information that relates to the orthogonal frequency division multiplexing sub-carrier..." as recite in independent claims 1 and 28.

Furthermore, neither Greenstein et al nor Dabak et al alone or in combination disclose or suggest "... grouping receivers according to a selected coding mode received with the received channel state information..." as recite in claims 1 and 28. Applicant respectfully asserts that claims 1 and 28 as amended are new and non obvious, thus allowable.

As to independent claims 6 and 9 the above arguments made with respect to claim 1 are applicable also here straight forward.

Claims 16, 17, 25 and 26 have been cancelled without prejudice or disclaimer. Claims 4 and 31 have been cancelled in a previous response to the Office Action.

Regarding claims 7, 11 and 13 they depend, directly or indirectly from independent claims 1, 6, 9 and 28, respectively and therefore include all their limitations. Therefore, applicant respectfully asserts that claims 7, 11 and 13 are likewise allowable. Accordingly, the Examiner is respectfully requested to withdraw the rejection to independent claims 1, 6, 9 and 28 and to dependent claims 7, 11 and 13 dependent thereon.

In addition in the Office Action, the Examiner rejected claims 2,3,5,8,12,14,15,18, 23, 24,27,29,30 and 32 under 35 U.S.C. § 103(a), as being unpatentable over Greenstein et al (US6131016) and Dabak et al (US20040071118) and further in view of the background of the applicant's specification (hereby referred to as the background).

Greenstein et al and Dabak et al have been discussed with respect to independent claims 1, 6, 9 and 28 and the arguments made in that discussion are also applicable here. The

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background can not cure the deficiencies discussed there and therefore Greenstein et al and Dabak et al and the background can not render independent claims 1, 6, 9 and 28 obvious and these claims are deemed allowable.

Dependent claims 2, 3, 5, 15, 24, 29, 30 and 32 depend, directly or indirectly, from independent claims 1, 6, 9 and 28, respectively and therefore include all of their limitations. Therefore, applicant asserts that dependent claims 2, 3, 5, 15, 24, 29, 30 and 32 are likewise allowable. Accordingly, applicant respectfully requests the withdrawal of the rejection to claims 2, 3, 5, 15, 24, 29, 30 and 32.

Claims 8, 12, 14, 18, 21, 23 and 27 have been cancelled without prejudice or disclaimer.

In addition in the Office Action, the Examiner rejected claims 10 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Greenstein et al (US6131016) and Dabak et al (US20040071118) and further in view of Wu et al (US6985434).

Claims 10 and 20 depend from independent claims 9 and 19 respectively. The allowability of independent claims 9 and 19 over Greenstein et al and Dabak et al have been discussed above and this discussion is also applicable here. The Wu et al can not cure the deficiencies of Greenstein et al and Dabak et al, as discussed above. Accordingly independent claims 9 and 19 are deemed allowable over Greenstein et al, Dabak et al and Wu et al. Claims 10 and 20, being dependent from independent claims 9 and 19 include all their limitations. Therefore, dependent claims 10 and 20 are likewise allowable. Therefore, applicant respectfully requests withdrawal of the rejection to claims 10 and 20.

In addition in the Office Action, the Examiner rejected claims 19 and 22 under 35 U.S.C. § 103(a), as being unpatentable over Greenstein et al (US6131016) in view of Dabak et al (US20040071118). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

Regarding independent claim 19 Applicant submits that neither Greenstein et al nor Dabak et al alone or in combination suggest and/or teach a MIMO system, mappers and/or coding in two code modes e.g., diversity mode and multiplexing mode, sub-carriers of two

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sub-carriers symbol streams. Applicant respectfully asserts that claim 19 as amended is new and non obvious, thus allowable.

Claim 22 depends from claim 19 and therefore includes all its limitations. Therefore claim 22 is likewise allowable. Accordingly, applicant requests the withdrawal of the rejection to claims 19 and 22.

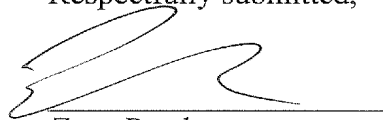
### CONCLUSION

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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